

ORIGINAL

FILED

December 4 2009

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. 09-0312

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA

Plaintiff and Appellee,

FILED

v.

DEC 04 2009

CODY WILLIAM MARBLE,
Defendant and Appellant.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

SECOND MOTION FOR EXTENSION OF TIME

COMES NOW, Colin M. Stephens, counsel of record for Defendant and Appellant, and respectfully requests a Second Extension of Time until February 15, 2010, in which to prepare, file and serve the Appellant's opening brief in the above entitled matter. I, Colin Stephens, request an extension of time because I just recently became the attorney of record in this matter after taking over the case for Attorney Joseph P. Howard, the previous attorney of record. See attached affidavit. Opposing counsel has been contacted concerning this motion and does not object.

DATED this ^{cms} 30th day of December 2009

COLIN M. STEPHENS
Smith & Stephens, P.C.
315 West Pine
Missoula, MT 59802

By: 

COLIN M. STEPHENS

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the Motion for Extension of Time to be mailed to:

FRED R. VAN VALKENBURG
Missoula County Attorney
200 West Broadway
Missoula, MT 59802

STEVE R. BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
Helena, MT 59620-1401

CODY MARBLE 2044197
Montana State Prison
700 Conley Lake Rd.
Deer Lodge, MT 59722

DATED: 12/03/09

Kell Tinehorn


STATE OF MONTANA)
 : ss.
COUNTY OF MISSOULA)

I, Colin M. Stephens, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as a contract attorney.
2. In my capacity as a contract attorney, I have been assigned to handle the above-entitled matter.
3. The Appellant's opening brief was first due on October 13, 2009. The brief is presently due on December 14, 2009.
4. As shown below, I have exercised diligence and have a substantial need for the extension.
5. I recently took over this case from the previous attorney of record, Joseph P. Howard who, due to family issues, could not complete the appeal. Mr. Howard filed the first request for extension of time.
6. Since I just recently received the file for this matter, I do not believe that I have enough time to first meet with the appellant Cody Marble and then provide the attention to detail required in this appeal within the current deadline of

December 14, 2009.

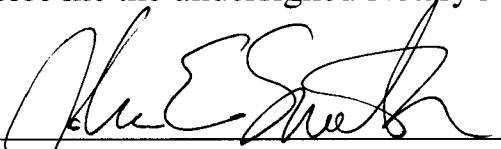
7. I will work diligently to complete the matter in the time requested.
8. Opposing counsel has been contacted concerning this motion and does not object.
9. Further your affiant sayeth naught.



Colin M. Stephens 12/3/09

SUBSCRIBED AND SWORN TO before me the undersigned Notary Public this
3rd day of December 2009.

(SEAL)



Notary Public for State of Montana
Residing at Missoula, MT
My Commission Expires: 5-15-10